

PUBLIC NOTICE
INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION
CITY OF SAN JOSÉ, CALIFORNIA

Project File Number, Description, and Location

PP08-003. The Edenvale Community Center would be a joint-use facility between the Oak Grove Elementary School District and the City of San José. The proposed community center includes one building (approximately 20,500 square feet in size and a maximum of 37 feet tall), a surface parking lot, landscaping, paved pathways, and outdoor areas (e.g., children's play area) located on the northeast corner of the existing Caroline Davis Intermediate School campus, located at the intersection of Branham Lane East and Edenvue Drive. (Oak Grove School District, Owner / San Jose Redevelopment Agency, Developer) Council District: 2

California State Law requires the City of San José to conduct environmental review for all pending projects that require a public hearing. Environmental review examines the nature and extent of any potentially significant adverse effects on the environment that could occur if a project is approved and implemented. The Director of Planning, Building & Code Enforcement would require the preparation of an Environmental Impact Report if the review concluded that the proposed project could have a significant unavoidable effect on the environment. The California Environmental Quality Act (CEQA) requires this notice to disclose whether any listed toxic sites are present. The project location **does** contain a listed toxic site.

Based on an initial study, the Director has concluded that the project described above will not have a significant effect on the environment. We have sent this notice to all owners and occupants of property within 1,000 feet of the proposed project to inform them of the Director's intent to adopt a Mitigated Negative Declaration for the proposed project on **April 18, 2008**, and to provide an opportunity for public comments on the draft Mitigated Negative Declaration. The public review period for this draft Mitigated Negative Declaration begins on **March 28, 2008** and ends on **April 18, 2008**.

A public hearing on the project described above is tentatively scheduled for **April 22, 2008** in the City of San Jose Council Chambers, 200 East Santa Clara Street, San Jose, CA 95113. The draft Mitigated Negative Declaration, initial study, and reference documents are available for review under the above file number from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San Jose Department of Planning, Building & Code Enforcement, City Hall, 200 East Santa Clara Street, San José CA 95113-1905. The documents are also available at the Dr. Martin Luther King, Jr. Main Library, 150 E. San Fernando St, San José, CA 95112, and the **Edenvale Branch** Library, San José, CA, and online at <http://www.sanjoseca.gov/planning/eir/MND.asp>. Adoption of a Negative Declaration does not constitute approval of the proposed project. The decision to approve or deny the project described above will be made separately as required by City Ordinance. For additional environmental information, please call **Jodie Clark** at (408) 535-3555 or e-mail to jodie.clark@sanjoseca.gov. For additional project information, please call **Mary Jo McCully** at (408) 535-3555 or e-mail to MaryJo.McCully@sanjoseca.gov.

Joseph Horwedel, Director
Planning, Building and Code Enforcement

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DRAFT
MITIGATED NEGATIVE DECLARATION

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

NAME OF PROJECT: Edenvale Community Center

PROJECT FILE NUMBER: PP08-003

PROJECT DESCRIPTION: The Edenvale Community Center would be a joint-use facility between the Oak Grove Elementary School District and the City of San José. The proposed community center includes one building (approximately 20,500 square feet in size and a maximum of 37 feet tall), a surface parking lot, landscaping, paved pathways, and outdoor areas (e.g., children's play area). Prior to development of the project, the two existing outdoor basketball courts on the project site would be removed and the existing 30-inch sanitary sewer line that crosses through the site would be relocated.

PROJECT LOCATION & ASSESSORS PARCEL NO.: northeast corner of the existing Caroline Davis Intermediate School campus, located at the intersection of Branham Lane East and Edenvue Drive; APN 684-25-001

COUNCIL DISTRICT: 2

APPLICANT CONTACT INFORMATION: Mary Jo McCully, The Redevelopment Agency of the City of San Jose, 200 E. Santa Clara St., 14th Floor, San Jose, CA 95113

FINDING

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this draft Mitigated Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects to a less than significant level.

MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL

- I. AESTHETICS** – The project will not have a significant impact on this resource, therefore no mitigation is required.

- II. AGRICULTURE RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- III. AIR QUALITY** – The following mitigation measures will be implemented by The San Jose Redevelopment Agency during all phases of construction to prevent visible dust emissions from leaving the site:
- Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site.
 - Install wind breaks at windward side(s) of construction areas.
 - Suspend excavation and grading activities when instantaneous wind gusts exceed 25 mph.
 - Limit the area subject to excavation, grading, or other construction activity at any one time.
- IV. BIOLOGICAL RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- V. CULTURAL RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- VI. GEOLOGY AND SOILS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- VII. HAZARDS AND HAZARDOUS MATERIALS** – Due to the presence of naturally-occurring asbestos in on-site soil and rock, The San Jose Redevelopment Agency shall ensure construction activities follow the regulations required by the California Occupational Safety and Health Administration (California Code of Regulations, Title 8, Section 5208) and those required by the California Air Resources Board Air Toxics Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations. This includes, but is not limited to, the following industry-standard measures for controlling asbestos during and after construction:
- The key to reducing the potential for significant asbestos emissions during subsurface activities in serpentine rock is dust control. If good dust control is maintained, asbestos emissions can be kept well below potential impact levels. A site safety plan shall be prepared for the proposed project by an industrial hygienist that will include the measures necessary to limit the asbestos exposure of on-site workers, limit off-site migration of airborne asbestos, and fulfill regulatory requirements for grading in rock and soil which contain naturally occurring asbestos. The dust control plan may include the following elements:
 - Access to work areas that are suspected to contain asbestos would be limited to authorized, trained personnel only and posted as such.
 - Each area proposed for work that may contain asbestos shall be sufficiently moisture conditioned before beginning work to minimize dust emissions during excavation and grading. Water applied for dust control purposes can be treated with a small amount of a wetting or penetrating agent.
 - All working surfaces (including haul roads and other roads subject to traffic) on material potentially containing asbestos shall be kept sufficiently moist so that visible dust is not emitted during grading or driving.

- The exposed surface of haul loads potentially containing asbestos shall be kept sufficiently moist to minimize dust/asbestos emissions.
- If measured asbestos or dust emissions exceed the Site Specific Action Level, the Contractor shall stop work and increase dust control measures to reduce emissions to within acceptable levels, including measures such as adding water trucks, establishing a mist curtain downwind of work areas, reducing vehicle speeds, and/or treating roads with magnesium chloride.
- Workers must avoid getting dust or dirt that potentially contains asbestos on their hands, face, clothing, or shoes. Shoes must be cleaned before leaving the site. All clothing that potentially contains asbestos must be cleaned with a HEPA vacuum before workers leave the site.
- Personnel must exit the site into the work area through a marked decontamination corridor.
- The cabs of all vehicles used on the site must be cleaned with a wet rag to keep them free from accumulated dust and dirt. Wet cleaning must be followed by cleaning with a HEPA vacuum.
- All vehicles and equipment in contact with asbestos-containing materials must be thoroughly rinsed and scrubbed to remove residual soil, including wheels and wheel wells.
- All vehicles and equipment in contact with asbestos-containing materials must pass through the decontamination corridor.
- All persons entering the work site must be familiar with the provisions of the site safety plan and verify by signature that they have read it. Each worker must have attended a general asbestos hazard orientation and training session. Weekly “tailgate” safety meetings must be conducted during the course of work to address specific issues and review basic provisions.
- An air monitoring program must be implemented at the site to evaluate asbestos emissions during grading. A Site Specific Applied Action Level, well below the OSHA Action Level [0.1 fibers longer than 5 μ m per cubic centimeter, 8-hour time weighted average (TWA), as measured by phase contrast microscopy (PCM)], will be specified. If the Site Specific Applied Action Level is reached or exceeded, dust control measures must be increased.
- During the first day of work on the site, the Contractor’s Health and Safety Officer must collect personal air samples from a representative number of employees. The results will be used to monitor worker exposure and the effectiveness of dust control techniques. As long as stringent dust control is maintained, respirators and protective suits are not required.
- The contractor’s Health and Safety Officer will have the authority to stop work if Site Specific Action Level or Site Specific Downwind Action Level for airborne asbestos or particulates is exceeded, or if significant dust emissions are observed.
- A health and safety plan shall be prepared for the project by an industrial hygienist. As required by OSHA, the health and safety plan shall identify measures to reduce the potential short-term and long-term impacts to workers, future residents, and the public, during and after project construction. In addition to the measures described above, the health and safety plan shall include the following measures:
 - The grading contractor used would be required to obtain or present hazardous materials licensing before commencing project grading activities.

- The geologist or project engineer would be on site during all earthmoving work to inspect the excavation areas and identify serpentine load in haul vehicles.
- Excavation surfaces and excavated material would be checked for chrysotile during grading to divert material with high chrysotile content for special handling.
- Adhere to all state and federal OSHA standards for asbestos monitoring and removal.
- The applicant would post Proposition 65 warnings and disclosures on and around the site, as well as in all construction documents.
- Excavated materials consisting of asbestos-containing serpentine would not be used to surface non-paved roadways and would be placed within deeper portions of the proposed fill areas on-site.
- In order to reduce the long-term potential release of asbestos after site grading, asbestos-bearing serpentinite rock within cut areas, as well as exposed fill slopes composed of serpentinite rock, would be capped with asbestos-free soil or mulch. Steep slopes would be serrated or benched in order to retain the cover material. Capping of exposed rock would also be beneficial to support landscaping and provide erosion control.

VIII. HYDROLOGY AND WATER QUALITY – The project will not have a significant impact on this resource, therefore no mitigation is required.

IX. LAND USE AND PLANNING – The project will not have a significant impact on this resource, therefore no mitigation is required.

X. MINERAL RESOURCES – The project will not have a significant impact on this resource, therefore no mitigation is required.

XI. NOISE – The project will not have a significant impact on this resource, therefore no mitigation is required.

XII. POPULATION AND HOUSING – The project will not have a significant impact on this resource, therefore no mitigation is required.

XIII. PUBLIC SERVICES – The project will not have a significant impact on this resource, therefore no mitigation is required.

XIV. RECREATION – The project will not have a significant impact on this resource, therefore no mitigation is required.

XV. TRANSPORTATION / TRAFFIC – The project will not have a significant impact on this resource, therefore no mitigation is required.

XVI. UTILITIES AND SERVICE SYSTEMS – The project will not have a significant impact on this resource, therefore no mitigation is required.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE – The project will not substantially reduce the habitat of a fish or wildlife species, be cumulatively considerable, or have a substantial adverse effect on human beings, therefore no additional mitigation is required.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on April 18, 2008, any person may:

1. Review the Draft Mitigated Negative Declaration (MND) as an informational document only;
or
2. Submit written comments regarding the information, analysis, and mitigation measures in the Draft MND. Before the MND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND.

Joseph Horwedel, Director
Planning, Building and Code Enforcement

Circulated on: _____

Deputy

Adopted on: _____

Deputy

Revised 10/19/07 JAC